

REMARKS

Claims 1-27 are currently pending in the present application. The Applicant thanks the Examiner for the allowance of claims 26 and 27. Furthermore, the Applicant thanks the Examiner for indicating that claims 7, 8, 11-15, 19-22, and 25 contain allowable subject matter if rewritten in independent form. The remaining pending claims 1-6, 9, 10, 16-18, 23, and 24 stand rejected. The Applicant respectfully traverses.

A. 102(b) rejections:

Claims 1-3 and 16-18 stand rejected under 35 U.S.C. §102 as being clearly anticipated by U.S. Patent No. 5,351,638 to Helleberg (hereinafter the “Helleberg reference”). The Applicant respectfully traverses. Anticipation requires that each and every limitation of the claim be disclosed by the cited reference. The features of independent claim 1 include “a removable fin cap” and a “separate, removable first fin base.” The Office Action alleges that wing portion 32 is the fin cap in the present rejection. No where in the Helleberg reference does it teach that the wing portion 32 is removable. In fact, the Helleberg reference clearly teaches away by teaching that the:

keel portion 20 is preferably integrally molded or cast from a suitable weighted material, such as lead or a lead alloy, to provide a desired amount of ballast for the sailboat 12. In this regard, as herein embodied the keel portion 20 is formed as a shallow draft reef keel comprising an upper or main portion 30, and a lower or wing portion 32

on column 4, lines 31-37. Therefore, each and every feature of the claim is not taught.

If the Office Action maintains that the entire keel portion 20 is the fin cap of claim 1, then there is no “separate, removable first fin base.” This is because base portion 18 is “preferably integrally informed with the hull 14,” (see columns 4, lines 3-4). Therefore, no matter how the Office Action intends to construe the Helleberg reference, there is no construction that reads on each and every feature of independent claim 1.

Similarly, independent claim 16 includes the features of “a removable fin cap” and “a removable first fin base.” As discussed supra, no construction of the Helleberg reference teaches these features of independent claim 16. Furthermore, independent claim 16 includes “a removable second fin base.” The Office Action indicated that the first fin base was the keel 20 and the second fin base was the base portion 18. Neither of these portions are removable if the wing portion 32 is the fin cap. Assuming, arguendo, that the wing portion 32 is the fin cap of the claims and is removable, then the keel portion 20 can not be “a removable first fin base” because it is integrally molded with wing portion 32. Furthermore, the base portion 18 is certainly not “a removable second fin base” because it is integrally formed with the hull of the sailboat. Therefore, no construction of the Helleberg reference teaches each and every feature of the claims and therefore cannot anticipate the present claims.

Claims 2-3 and 17-18 depend from claims 1 and 16 and therefore include all their limitations. It is therefore respectfully submitted that dependent claims 2-3 and 17-18 are allowable over the references of record for at least the same reasons as claims 1 and 16.

Furthermore, claims 1-3 and 16-18 are not obvious in light of Helleberg. The Helleberg reference clearly teaches away from a “removable fin cap” and “a separate, removable first fin

base.” In contrast to the language of claim 1, the Helleberg reference teaches that the keel 20 and the wing portion 32 are integrally formed. In addition, if the wing portion 32 were to be formed separate from the keel portion 20, the keel assembly 10 would be inoperable for its intended function. The keel in a sailboat is used to help balance the sailboat during sailing and the keel assembly 10 illustrated in Fig. 2 is used for shallow water sailing. The wing portion 32 is therefore designed to slide over the bottom or even hit items in the shallow water but not sustain any damage. If keel assembly 20 was separate from wing portion 32, there is a good chance that the wing portion 32 could become separated after crashing into an underwater object. This would be very expensive for the sailboat owner to repair because of the substantial damage to the keel assembly 10 and therefore would not be suggested.

Moreover, the keel assembly 10 would have to be constructed substantially different from the embodiments illustrated in the Helleberg reference. Thus, the Helleberg reference teaches away from the language of claim 1. For example, if the wing portion 32 was actually removable from keel portion 20, the bolts 48 would have to extend completely through the keel portion 20 all the way down into the wing portion 32. The bolt passages and access passages would have to be twice as long making it very difficult for people to assemble the bolts using the access passages. This is because of the wide bottom of the wing portion 32 that would cause the need to create long access holes. Alternatively, if the bolts 48 were to come up from the bottom of the wing portion 32 to secure the wing portion 32 to keel portion 20, then the keel portion 20 would have two sets of access passages which would diminish the strength of the keel assembly 10. Regardless, it is clear that the Helleberg reference does not suggest that the keel portion 20 could be a “separate, removable first fin base.” There is no suggestion because it teaches quite the

opposite, i.e. that it is an integral, permanently attached portion. Therefore, claim 1 is certainly not obvious in light of the Helleberg reference and accordingly the claims depending from claim 1 are also not obvious either.

Along these same lines, independent claim 16 includes the features of “removable fin cap,” “a removable first fin base,” and “removable second fin base.” As discussed supra, keel portion 20 is not removable from the wing portion 32. Moreover, if base portion 18 is considered the second fin base as taught in the Office Action, the language of claim 16 is certainly not suggested by the Helleberg reference. Base portion 18 is not removable. In addition, if the base portion 18 were removable the keel assembly 10 would not work for its intended function. If base portion 18 was not integrally formed with the hull and was only attached to the keel portion 20 using the bolts as illustrated in Figs. 4, 5, 6 and 7, the amount of torque applied to the keel assembly 10 upon turning, during a collision with an underwater object, or a high wind causing a quick bow turn would snap the base portion 18 away from the hull. At the very least the bolts 48 would snap because of the heavy weight of the lead keel portion 20. This could lead to the possibility of sinking the ship or at the very least leaving the keel assembly 10 at the bottom of the water. Therefore, there is no motivation or suggestion in the Helleberg reference to arrive at the language of claim 16 because to do so would render the embodiments illustrated in the Helleberg patent inoperable.

B. 103 rejections:

The Office Action rejected claims 4-6 under 35 U.S.C. §103 as being unpatentable over Helleberg. Claims 4-6 depend from claim 1 and therefore include all of the limitations of claim 1. It is therefore respectfully submitted that claims 4-6 are allowable over the references of

record for at least the same reasons as provided with respect to claim 1.

Claims 9-10 and 23, 24 were rejected under 35 U.S.C. §103 as being unpatentable over Helleberg in view of U.S. Patent No. 6,149,479 to Redmon et al. (the "Redmon reference").

Claims 9-10 and 23-24 depend from independent claims 1 and 16 and therefore include all their limitations. It is therefore respectfully submitted that claims 9-10 and 23-24 are allowable over the references of record for at least the same reasons as provided with respect to claims 1 and 16.

Furthermore, there is no suggestion to combine the references as indicated by the Office Action. The keel portion 20 described in the Helleberg reference is a large portion constructed out of lead or other heavy material to balance the sailboat during sailing. If one was to attach this heavy-type fin to a wakeboard as suggested by the Office Action, the wakeboard would likely sink. In addition, to attach five or six of these lead fins to the wakeboard would surely not be suggested by the Redmon reference. Therefore, the Applicant respectfully traverses this combination by the Examiner.

CONCLUSION

The Applicant respectfully submits that all claims are in condition for allowance and respectfully requests they pass issue. Reconsideration of the present application is respectfully requested. Should it facilitate allowance of the application, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted:



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